

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN KAKOWSKI,
 Plaintiff,

v.

GREG SMITH et al.,
 Defendants.

3:14-cv-413-RCJ-WGC

ORDER

I. DISCUSSION

On October 14, 2014, Plaintiff, a *pro se* prisoner, filed a motion to voluntarily dismiss his 42 U.S.C. § 1983 action. (ECF No. 11). On October 21, 2014, the Court granted Plaintiff's motion and dismissed the case without prejudice to give Plaintiff the opportunity to finish the grievance process and/or await extradition to California. (ECF No. 12).

On February 17, 2015, Plaintiff filed a motion to reopen this case.¹ (ECF No. 15 at 1). Plaintiff asserts that he is now incarcerated in California and does not have access to any of his legal documents or an application to proceed *in forma pauperis*. (*Id.*). Furthermore, Plaintiff states that the county jail would not supply him a six-month read out of his inmate account statement. (*Id.*). Plaintiff asks this Court to open a case using his prior application to proceed *in forma pauperis*. (*Id.*). Plaintiff states that his grievances are now up to date. (*Id.*).

The Court denies Plaintiff's motion to reopen the current case. Instead, the Court directs Plaintiff to file a new application to proceed *in forma pauperis* and a new complaint in

¹ Plaintiff also seeks this Court's help in understanding an order issued by the Ninth Circuit Court of Appeals. (ECF No. 15 at 2). The Court denies Plaintiff's request and directs Plaintiff to file a motion with the Ninth Circuit Court of Appeals if he does not understand their order.

1 a new action. To the extent that jail officials will not provide Plaintiff with the documentation
2 he needs to file a complete application to proceed *in forma pauperis*, Plaintiff shall complete
3 as much of the application as he can and then provide the Court with a declaration or affidavit
4 explaining what steps he took to acquire a financial certificate and inmate account statement,
5 who refused to supply Plaintiff with those attachments, and the reason for doing so.

6 **II. CONCLUSION**

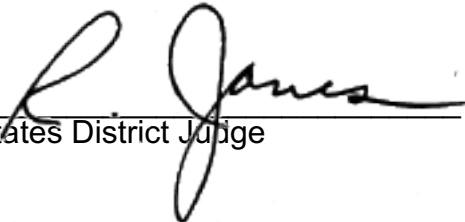
7 For the foregoing reasons, IT IS ORDERED that the motion to reopen case (ECF No.
8 15) is denied.

9 IT IS FURTHER ORDERED that Plaintiff may file a new application to proceed *in forma*
10 *pauperis* and a new complaint in a new action but he may not file any more documents in this
11 case.

12 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
13 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
14 entitled information and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
16 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
17 original complaint (ECF No. 1-1).

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19 Dated: This 25th day of March, 2015.

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22 United States District Judge
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